



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on 5th December, 2003:—

### I

#### BILL NO. XLV OF 2003

*A Bill to provide for compulsory military training to every Government employee at the time of appointment and for matters connected therewith.*

Be it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Military Training to Central Government Employees Act, 2003.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. Notwithstanding anything contained in any other law for the time being in force every Central Government employee shall:—

(i) undergo compulsory military training for two to five years from the day of his appointment to service; and

(ii) devote minimum three hours daily out of his duty hours to get such military training.

3. After successful completion of the training every Government employee shall be given a certificate by the military authority.

4. The service of the trained employee shall be utilized to fight terrorism and criminal activities in such manner as may be prescribed:

Provided that if such an employee is willing to join the regular army he may be considered after completing such formalities as may be prescribed.

5. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Short title,  
extent and  
commence-  
ment.

Compulsory  
military  
training for  
Central  
Government  
employees.

Certificate on  
completion of  
training.

Utilisation of  
training.

Power to  
make rules.

## STATEMENT OF OBJECTS AND REASONS

The country is facing terrorist activities in a large scale for the last few years. Almost all parts of the country have been affected by terrorism and it is spreading all over the country. The police force and the army personnel are not sufficiently provided to meet the situation in a number of states. The army's role is only to protect the borders and need not be used in taking the law and order situation in the country.

Every Central Government employee, if provided military training shall be of immense help to maintain the law and order situation in the States as well as Union Territories. This will also help in checking the individual crimes that are also on increase and the employee shall be self-sufficient to protect himself. The Bill will support both the purposes, *i.e.*, it will be helpful in self-protection and also meet and maintain the law and order situation in the affected states. Thus, it is necessary to have such a legislation.

Hence this Bill.

DR. T. SUBBARAMI REDDY

## FINANCIAL MEMORANDUM

*Clause 2* of the Bill provides that the Central Government shall provide Compulsory Military Training to every Central Government employee and the duration of the training may range from two to five years. The Central Government will have to incur expenditure in respect of provisions of the Bill. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees two hundred crore.

A non-recurring expenditure of about one thousand crore is also likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

*Clause 5* of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The delegation of legislative powers is of a normal character, as the matters to be prescribed are of details only.

**II****BILL NO. XXII OF 2003***A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2003.

(2) It shall come into force at once.

2. In the Eighth Schedule to the Constitution, for the existing entry 4, the following entry shall be substituted, namely:—

“4. Hindi and its allied languages namely, Avadhi, Bhojpuri, Brijbhasha, Dogri, Maithili, Malwi, and Rajasthani and such other languages.”

Short title,  
and com-  
mencement.

Amendment  
of the Eighth  
Schedule.

## STATEMENT OF OBJECTS AND REASONS

The Eighth Schedule to the Constitution of India enshrines country's cultural and linguistic diversity and is an eloquent testimony of country's sense of cultural federalism and our national commitment to the preservation of the rich heritage of country's literature and quest of knowledge through different languages of India.

Hindi is not only the language of the Indian Union but also the national lingua franca. It is not only our *Rajbhasha* but in the words of Mahatma Gandhi it is our *Rashtrabhasha*. Hindi has become the nation's umbrella language and its link language because of the strength and reinforcement it receives from closely allied cluster of languages such as Rajasthani, Dogri, Brijbhasha, Bhojpuri, Avadhi, Malavi and Maithili among others. There is a widespread popular demand for inclusion of Rajasthani, Dogri and other allied languages which are historically and linguistically independent in the Eighth Schedule. Many of these languages are already recognized by the Sahitya Akademy and are studied, taught and researched in many Indian and Foreign universities.

The demand for inclusion of these languages in the Eighth Schedule has a strong cultural, linguistic and literary justification. Their inclusion in the Eighth Schedule will in no way diminish or detract from the deep devotion of the people in India towards Hindi. Indeed the formula proposed in the proposed amendment will strengthen, broaden and reinforce the strength of Hindi and will at the same time meet the cultural aspirations of crores of Indian people who take pride in their own languages and literature and at the same time they understand Hindi, converse in Hindi and uphold the cause of Hindi as our *Rashtrabhasha*.

The Home Minister and the Minister of State for Home Affairs both gave an assurance in respect of the Private Members' Bills on Rajasthani and Dogri and the formula proposed therein offers an unexceptionable and the most widely accepted formulation.

Hence this Bill.

L. M. SINGHVI

## III

## BILL NO. XLVII OF 2003

*A Bill to provide for the basic minimum amenities like water, electricity, sanitation and health facilities in slums and Jhuggi-Jhopri clusters and for rehabilitation of slum dwellers and for matters connected therewith and incidental thereto.*

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Slums and Jhuggi-Jhopri Dwellers (Basic Amenities and Rehabilitation) Act, 2003.

Short title,  
extent and  
commence-  
ment.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means in the case of State, the Government of that State and in other cases, the Central Government;

(b) “Jhuggi-Jhopri” means small roughly built house or shelter usually made of mud, wood, or metal having thatch or tin shed covering roof;

(c) “Prescribed” means prescribed by rules made under this Act;

(d) “slum” means an area consisting of badly built, overcrowded houses, buildings or Jhuggi-Jhopri clusters usually having unhygienic conditions around.

Construction  
of Houses for  
dwellers in  
Jhuggi-Jhopri.

**3. Notwithstanding anything contained in any other law for the time being in force the appropriate Government shall construct one or two room dwelling houses with attached kitchen and bathroom for the dwellers residing in Jhuggi-Jhopri and slum areas since 1990, by demolishing the old settlements and provide all basic amenities in such houses like electricity, water, sanitation and such other facilities as may be prescribed.**

Assessment  
of the Houses  
to be built.

**4. The appropriate Government shall specify an agency for assessing the total houses to be built for Jhuggi-Jhopri and slum dwellers with all modern facilities and while making such assessment agency shall consider size of the family of slum dwellers and such other factors as may be specified.**

Allotment of  
houses to  
slum dwellers.

**5. The appropriate Government shall allot houses to all Jhuggi-Jhopri and slum dwellers in such manner as may be prescribed.**

Supplement-  
ing provision.

**6. The provisions of this Act shall be in addition to and not derogatory to any other law for the time being in force.**

Power to  
make rules.

**7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.**

## STATEMENT OF OBJECTS AND REASONS

For the last several years people have been migrating from one place to another: from rural to urban areas for seeking jobs and employment. Thus, slum dwellers have settled in almost all parts of the country and the people living in these slums are working as domestic servants providing help to the residents of nearby colonies and earning their livelihood but their conditions are pitiable as there are no sewages, water and electricity in these areas. People living in these jhuggis and jhopris fall victim to various diseases as they have to live in unhygienic conditions. Their children are badly affected and they have no access to modern amenities like sanitation, water, electricity, etc. Thus, these people are living in worst inhuman conditions. These people cause problems to those living in recognised colonies, bungalows and flats and due to unhygienic condition in which they live they spread diseases in their houses also. Therefore, there is a need to provide suitable accommodation to the slum dwellers to uplift their present conditions. It is necessary to look after slum dwellers and provide all facilities to them as other members of the society are having.

Hence this Bill.

DR. T. SUBBARAMI REDDY

## FINANCIAL MEMORANDUM

*Clause 3* of the Bill provides for construction of houses for Jhuggi-Jhopri and slum dwellers. The Bill, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India. It is not possible to estimate, at this stage, the exact amount of expenditure that will be involved.

However, a recurring expenditure of about rupees fifty crores is likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

*Clause 7* of the Bill empowers the Central Government to make rules for the purposes of this Bill. The rules will relate to matters of details only. The delegation of legislative power is of a normal character.

## IV

## BILL NO. LIII OF 2003

*A Bill to provide for the establishment of an autonomous Authority for the overall development of the economically and educationally backward areas of the country and for matters connected therewith.*

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

Short title and  
commence-  
ment.

1. (1) This Act may be called the Backward Areas Development Authority Act, 2003.

(2) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Authority" means the Backward Areas Development Authority established under section 4;

(b) "Government" means the Central Government;

(c) "Prescribed" means prescribed by rules made under this Act.



3. The Government shall in consultation with the Governments of the States and Union Territory Administrations, by notification in the Official Gazette, declare such areas of the country which in the opinion of the Government are economically and educationally backward.

Government  
to Declare  
backward  
areas.

4. (1) With effect from such date, as the Government may by notification in the Official Gazette, appoint, in this behalf, there shall be established an Authority to be called the Backward Areas Development Authority.

Establishment  
of Backward  
Areas  
Development  
Authority.

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable and to contract, and shall be the said name sue and be sued.

(3) The head office of the Authority shall be at Patna in the State of Bihar and the Authority may, with the previous approval of the Government establish offices at other places in the country.

5. The Authority shall consist of the following members,—

Composition  
of the  
Authority.

(a) Prime Minister, who shall be the *ex-officio* Chairman;

(b) a vice-chairman to be appointed by the Government;

(c) five members of Parliament representing Backward areas of whom three shall be from the Lok Sabha and two from the Rajya Sabha, to be elected by the Members of the respective Houses;

(d) eleven members to be appointed by the Government to represent the following Ministries/Departments of the Union,—

(i) Planning Commission;

(ii) Agriculture and Rural Development;

(iii) Industry;

(iv) Finance;

(v) Railways;

(vi) Communications;

(vii) Surface Transport;

(viii) Education;

(ix) Welfare;

(x) Irrigation; and

(xi) Power;

(e) not more than seven Members to be appointed by the Government by rotation in alphabetical order, to represent the Governments of the States having the Backward areas;

(f) two members to be appointed by the Government who in its opinion are experts in various fields of economic development.

6. The Authority shall have such Officers, employees and other set up including the conditions of service of such officers and employees as the Government may determine from time to time for the efficient functioning of the Authority.

Officers,  
employees  
and other set  
up of the  
Authority.

7. (1) The Authority shall ensure, by such measures as it thinks fit, the all round development of economically and educationally backward areas of the country.

Authority to  
ensure all  
round  
development  
of backward  
areas.

(2) Without prejudice to the generality of the foregoing provisions the Authority shall take measures for the development, particularly of free investment industrial centres with immunity for investments, and of railways, road, post and telegraph and other means of communications, agriculture and irrigation facilities by constructing wells, etc. industries,

banking, drinking water facilities, hydel, solar and wind power, forests, livestock, co-operatives particularly milk and poultry co-operatives, health services, family welfare, education through chain of schools and colleges, vocational training and tourism in all the backward areas of the country.

Funds of the  
Authority.

**8. The Government shall provide from time to time, after due appropriation made by Parliament by law, adequate funds for the development works to be undertaken by the Authority and for the administrative expenses of the Authority.**

Development  
Fund.

**9. The Authority shall have a fund to be called the Development Fund to which shall be credited all moneys received from the Government for the purposes of development of the backward areas and all payments by the Authority towards development expenditure shall be made therefrom.**

Annual  
Report to  
the President  
of India.

**10. The Authority shall submit an annual report, in such form and in such manner as may be prescribed of its activities of development in backward areas of the country to the President of India who shall cause the report to be laid before both the Houses of Parliament, as soon as may be, after it is received by him.**

Power to make  
rules.

**11. The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.**

## STATEMENT OF OBJECTS AND REASONS

After independence when we launched our first Five Year Plan the need for levelling down the economic disparities between various parts of the country was felt by everyone. As such the accelerated development of backward areas with a view to reducing the regional imbalance became one of the main national objectives in all our five year plans thereafter. But unfortunately even after Fifty-sixth years of independence the economic disparities among various regions in the country have not only persisted but have also increased. Another dimension has been added to economic backwardness by Educational backwardness. It has been noticed that educational backwardness has increased immensely in economically backward areas.

The development of backward areas in the country should be our prime concern. It is hoped that the Government will certainly ensure time bound development of all the backward areas in the country. For this objective an autonomous Authority should be established which would be responsible for planning and implementation of area based package programmes in co-ordination with the Planning Commission, Central Government and State Governments. Such a step will ensure accelerated development of backward areas in the country.

Hence this Bill.

S. S. AHLUWALIA

## FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of the Backward Areas Development Authority. Clause 6 provides for officers, employees and other set up of the Authority. Clause 8 provides for the funds of the Authority. The Bill, if enacted will involve expenditure from the Consolidated Fund of India. At this stage it is not possible to calculate the exact expenditure on this account but it is estimated that a recurring expenditure to the tune of rupees four thousand crores is likely to be involved from the Consolidated Fund of India per annum. A non-recurring expenditure of about rupees ten crore is also likely to be incurred.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to frame rules for carrying out the purposes of this Bill. As the rules will provide for matters of detail only, the delegation of legislative power is of normal character.

## V

## BILL No. LIV OF 2003

*A Bill to provide for the establishment of a Welfare Fund for the benefit of marginal farmers and agricultural workers in the country and for matters connected therewith.*

BE it enacted by Parliament in the fifty fourth Year of the Republic of India as follows:—

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Marginal Farmers and Agricultural Workers Welfare Fund Act, 2003.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “accident” means an accident caused during the course of an agricultural operation by a tractor, power crusher or any agricultural machinery and includes an injury due to a fall from any agricultural machinery, tree or falling into a well or receiving electric shock, snake bite or attack by any wild or domesticated animal;

(b) “agricultural operation” means any work relating to agriculture, horticulture, sericulture, rearing of sheep, cattle, milch cattle, poultry or any other work connected with or ancillary to agriculture;

(c) "agricultural worker" means an agricultural worker who is landless and earns his livelihood by working either on other's land or agricultural operation on daily, monthly or annual wages or on any other basis and whose only source of income is the wages he earns from such work;

(d) "commissioner" means a Commissioner appointed under section 7 of this Act;

(e) "marginal farmer" means a farmer who owns not more than five acres of wet land or seven acres of partially wet and dry land or ten acres of dry land;

(f) "partial disablement" means such disablement which reduces the working capacity of a farmer or agricultural worker temporarily which he was capable of having before the accident;

(g) "prescribed" means prescribed by the rules made under this Act;

(h) "total disablement" means any disablement which incapacitates a marginal farmer or agricultural worker for all work which he was capable of performing prior to the accident;

(i) "welfare fund" means the Marginal Farmers and Agricultural Workers Welfare Fund constituted under section 6 of this Act.

**3. If a personal injury is caused to a marginal farmer or agricultural worker by accident arising out of and in the course of agricultural operations, the injured farmer or worker shall be entitled to and receive compensation out of the Welfare Fund in accordance with the provisions of this Act.**

Compensation to marginal farmer and agricultural worker in case of accident during operation.

**4. Subject to the provisions of this Act, the amount of compensation payable to a marginal farmer or agricultural worker sustaining injury resulting in his death or total or partial disablement shall be such as may be specified by the Central Government from time to time by notification in the Official Gazette.**

Fixation of compensation.

**5. In case of death of a marginal farmer or agricultural worker the compensation shall be paid to the spouse of the deceased or to his legal heir or to the children and in case the victim is unmarried the compensation shall be paid to his parent or parents.**

Payment of compensation in case of death.

**6. (1) The Central Government shall constitute a Welfare Fund for the purposes of this Act.**

Establishment of Welfare Fund to pay compensation.

**(2) The initial amount of the Welfare Fund constituted under subsection (1) shall be three hundred crore rupees of which two hundred crore rupees shall be provided by the Central Government after due appropriation made by Parliament in this behalf and one hundred crore rupees shall be provided by the State Governments in proportion to their agricultural population relevant for the purposes of this Act.**

**(3) After the initial constitution of the Welfare Fund moneys shall be provided by the Central and State Governments in such proportion as may be agreed to from year to year and also by the employers of agricultural workers from time to time as may be prescribed.**

**7. The Central Government shall by notification in the Official/Gazette appoint a Commissioner, for every district of the country, who shall entertain the claims for payment of compensation under this Act.**

Appointment of Commissioner.

- Form of Claim. 8. Every claimant for payment of compensation under this Act shall give the name and address of the marginal farmer or agricultural worker who died or was injured in an accident and shall state the cause of death or injury, name of the employer in case of agricultural worker, date and place of injury and other relevant matters relating to the claim.
- Inquiry by Commissioner. 9. On receipt of the claim the Commissioner shall enquire into the matter and decide the amount of compensation payable under the Act and shall record the reasons for coming to such decision.
- Proof of death or injury. 10. The proof of death or injury to a marginal farmer or an agricultural worker as a result of an accident in an agricultural operation shall be provided in such manner as may be prescribed.
- Payment of compensation. 11. Every claim for compensation under this Act shall be finalised and the payment made within thirty days of filing of the claim.
- Bar to Jurisdiction of Civil Courts. 12. Notwithstanding anything contained in any law for the time being in force, no civil court shall have jurisdiction to stay the operation of the award of compensation made by the Commissioner but the injured marginal farmer or agricultural worker shall have the right to appeal to the District Court against the decision of the Commissioner.
- Cooperation of State Governments for carrying out the purposes of the Act. 13. The Central Government shall place necessary funds at the disposal of the State Governments for the implementation of the provisions of this Act.
- Power to make rules. 14. The Central Government may make rules for carrying out the purposes of this Act.

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#### STATEMENT OF OBJECTS AND REASONS

The marginal farmers and agricultural workers while pursuing agricultural operations very often receive injuries leading to partial or total disablement and in some cases they also die in such operations. While social security schemes have been extended to organised working classes, the marginal farmers and agricultural workers who constitute more than two third of the working force in the country remain uncovered by such schemes. There is no organisation to protect their interests. This class of our country's population is also the poorest. They are paid meagre wages and when they receive injuries due to accidents and became partially or totally disabled or succumb to such injuries, they and in their absence, their family members suffer tremendous hardships. In fact their families are ruined. There is neither any security nor any legal protection for them under such circumstances. Therefore, it is necessary in the national interest that marginal farmers and agricultural workers are provided with some compensation for accidents met during the course of agricultural operations so that minimum security be given to them.

Hence this Bill.

S. S. AHLUWALIA.

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#### FINANCIAL MEMORANDUM

*Clause 3* of the Bill provides for compensation to marginal farmers and agricultural worker in case of accident. *Clause 6* provides for the establishment of a Welfare Fund to pay compensation. *Clause 7* provides for appointment of Commissioners. The Bill, therefore, if enacted, is likely to involve recurring expenditure from the Consolidated Fund of India to the extent of about rupees five hundred crores per annum. A non-recurring expenditure of about rupees one crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

*Clause 14* of the Bill empowers the Central Government to make rules for carrying out the purposes of the Act. Since the rules will relate to matters of details only the delegation of legislative power is of normal character.

## VI

## BILL NO. LV OF 2003

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

Short title  
and com-  
mencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2003.
- (2) It shall come into force with immediate effect.

Amendment  
of article 15.

2. In article 15 of the Constitution, in clause (4), for the words “any socially and educationally backward classes of” the words “economically and educationally deprived” shall be substituted.

Amendment  
of article 16.

3. In article 16 of the Constitution, in clause (4), for the words “any backward class of” the words “any economically and educationally deprived categories of” shall be



4. In article 340 of the Constitution,—

Amendment  
of article 340.

(a) In the marginal heading for the words “backward classes” the words “economically and educationally deprived categories of citizens” shall be substituted.

(b) In clause (1) for the words “socially and educationally backward classes” the words “economically and educationally deprived categories of citizens” shall be substituted.

## STATEMENT OF OBJECTS AND REASONS

The founding fathers of the Constitution while granting the right to equality to the citizens of the country have also provided in the Constitution that despite the right to equality there shall be no bar on the jurisdiction of the State to make special provisions for the advancement of socially and educationally backward classes of citizens. Similarly in article 340 the framers of the Constitution have provided for appointment of a Commission to investigate into the conditions of backward classes. These provisions in the Constitution were inevitable as we had opted for a Welfare State and the State and the State had to uplift the socially, economically and educationally deprived citizens of the country. However, over the years the nomenclature "backward classes" seems to have lost its sanctity. Moreover, even the persons who are still backward do not like to be called backward as use of that term in respect of them creates a feeling of inferiority in them. The nomenclature is detested more by the younger generation who feels humiliated to be identified by the term backward. Similarly, those citizens who make advancement in society by availing of higher education and attaining higher status in life continue to reap the benefits meant for the really backward class of citizens simply because they once belonged to that class.

The stigma of "backwardness" needs to be removed from the Constitution itself. The words "backward classes", used in certain articles of the Constitution therefore, need to be replaced by "economically and educationally deprived category of citizens" to give respectability to those who have been denied the opportunity to advance in society.

This Bill seeks to achieve the above objects.

S. S. AHLUWALIA

## VII

## BILL NO. LVII OF 2003

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2003.

(2) It shall come into force with immediate effect.

2. In article 16 of the Constitution, after clause 4A the following clause shall be inserted, namely:—

“(4AA) Notwithstanding anything in this article it shall be lawful for the State for making any provision for reservation in matters of appointments or posts or promotion in favour of women in services under the State including in Public Sector Enterprises, bodies, Joint Ventures, Universities, Colleges and Institutes, constitutional bodies and making relaxations in conditions of eligibility such as education, age, experience, etc. for such appointments or posts or promotions.”

Short title,  
and com-  
mencement.

Amendment  
of article 16.

## STATEMENT OF OBJECTS AND REASONS

Women constitute half of the society throughout the globe and so is the case in our country. But majority of them particularly in our country do not look beyond their families and they have so deeply engrossed in family affairs and burdened with such heavy domestic responsibilities that they remain illiterate, exploited and dominated by the men in the society. A small percentage of the women has ventured out as entrepreneurs and entered into employment arena but here too they are dominated by men. Their condition is no better than the oppressed classes of the society. However, for such oppressed classes of our society we have adopted reservation policy and, in fact, reservation in Government jobs is not an insidious and invidious discrimination but is a benign, positive, acceptable and necessary discrimination to tilt the balance in favour of hitherto historically deprived, oppressed and repressed classes of our society. On the similar footing reservation for women is all the more necessary. Many a time it so happens that by the time a women after fulfilling her family responsibilities desires to enter service but by then she is over aged or does not fulfil other conditions of eligibility to enter Government service. Hence apart from providing for reservation for women in appointments and promotions it is necessary to provide for relaxations in conditions of eligibility so as to enable the women to enter Government service.

This Bill seeks to achieve the above objects.

PREMA CARIAPPA

## VIII

## BILL NO. LVIII OF 2003

*A Bill to eliminate the discrimination against the girl child by providing for the equal upbringing and removal of neglect by her parents or guardians and violation of her rights by marrying her off during her childhood and forcing her in begging, prostitution and other crimes by providing deterrent punishment for such violations and for welfare measures such as free and compulsory education including vocational education enabling her to enjoy her childhood and for matters connected therewith and incidental thereto.*

Be it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Girl Child (Elimination of Discrimination and Violation of Rights and Other Welfare Measures) Act, 2003.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Short title,  
extent and  
commence-  
ment.

## Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;

(b) "educational facility" includes education at all levels starting from elementary education and also vocational education and training;

(c) "girl child" means any female human being who is below the age of eighteen years;

(d) "parent" includes father, mother or any other person whether relative or not acting as the guardian of the girl child for the time being either under the provisions of any law for the time being in force or under any customary obligation;

(e) "prescribed" means prescribed by rules made under this Act.

Equal upbringing of girl child by parents.

3. It shall be the duty of every parent to provide equal upbringing to the girl child in the family and shall also provide equal facilities and care to such girl child in the same manner as is provided to the male child in the family.

Prohibition of marriage of girl child.

4. Notwithstanding anything in any prevalent custom of any religion or sect or contained in any other law for the time being in force, no person or religious authority by whatever name called shall solemnize marriage of a girl child and every marriage solemnized in contravention of this section shall be void.

Duty of every parent to send the girl child to school for education.

5. It shall be the duty of every parent to send the girl child of the family to an educational institution for receiving education including higher education and vocational training from the school going age of such girl child.

Appropriate Government to provide free educational facilities to the girl child.

6. The appropriate Government shall provide to every girl child,—

(a) free and compulsory educational facilities at all levels including medical and technical education;

(b) free hostel facilities in deserving cases or wherever necessary as the case may be;

(c) requisite study materials such as books, note books, other stationery and essential writing materials free of cost;

(d) uniforms including woollens, shoes, socks, etc. free of cost;

(e) scholarship to every girl child deserving for such scholarship and every girl child belonging to poor and economically weaker family or belonging to Scheduled Caste, Scheduled Tribe and Other Backward Class family for her elementary education at school level and for higher education in College, University, Institute including medical and technical education.

Requisite vocational training to girl child.

7. The appropriate Government shall ensure necessary vocational training to the girl child in the vocations of home science, tailoring, doll making, cookery, food preservation, embroidery, painting, knitting and weaving, interior decoration, beautician, architecture, midwifery, nursing, computer science and such other vocations of her choice and as may be deemed necessary for the overall development of girl child by such Government from time to time.

Appropriate Government to establish educational institutions.

8. For the purposes of this Act, the appropriate Government shall establish such number of educational institutions as it may deem necessary from time to time.

9. (1) Notwithstanding anything contained in any other law for the time being in force it shall be the duty of the Mukhia, Pradhan, Village Head or by whatever name called and the Gram Panchayat to ensure that every girl child of school going age of the village is compulsorily sent to school by her parents for getting education.

Gram Panchayats to ensure that girl child is sent for education to schools in rural areas.

(2) If any Gram Panchayat fails to comply with the provisions under sub-section (1) shall be dealt with by the appropriate Government with such action as it deems necessary and appropriate including the stoppage of Grants to such erring Panchayat in such manner as may be prescribed.

10. The appropriate Government shall provide free of cost nutritious meals to every girl child till such time and in such manner as may be prescribed.

Appropriate Government to provide nutritious meals to the girl child.

11. It shall be the duty of the appropriate Government to provide free medical aid and healthcare to every girl child in general and in the rural areas in particular.

Regular and free medical care for the girl child.

12. The appropriate Government shall provide proper and gainful employment to every girl child who completes her education or training in any vocation or who is in dire need of such employment.

Appropriate Government to provide employment opportunities to girl child.

13. Whoever,—

Penalty.

(a) contravenes the provisions of sections 3 and 5 shall be liable to fine which may extend to fifty thousand rupee;

(b) contravenes the provisions of section 4 shall, notwithstanding anything contained in the Indian Penal Code or any other law for the time being in force, shall be punishable with imprisonment which may extend to life and also with fine which may extend to one lakh rupee;

(c) force a girl child into begging and petty crimes like pick pocketing, stealing, etc. shall, notwithstanding anything contained in any other law for the time being in force shall be punishable with imprisonment which shall not be less than three years but which may extend to seven years and with fine which may extend to fifty thousand rupees;

(d) force a girl child into prostitution shall, notwithstanding anything contained in the Indian Penal Code or any other law for the time being in force, be punished with death.

14. Notwithstanding anything in the Code of Criminal Procedure 1973 the offences under this Act shall be cognizable and non-bailable except as provided under section 3 and 5.

Offences to be cognizable and non-bailable.

15. The Provisions of this Act and of any rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any other instrument having effect by virtue of any law other than this Act, but save as aforesaid, the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Overriding effect of the Act.

16. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this act.

Power to make rules.

## STATEMENTS OF OBJECTS AND REASONS

In the present day society it is a common scene that when a baby boy is born in a family the occasions celebrated with sweets and greetings but if a baby girl is born the stars and destiny are cursed and the near and dear ones console such a family as if heavens have fallen with the birth of the girl child. Of course, exceptions are there but the hard fact is that the girl child is the most unwanted in our society despite the reality that there will be no society without her existence.

Since no family wants a baby girl, pre-birth sex determination tests are being conducted in a big way and foetus of girls are being aborted though there is a legal ban on such tests. It has resulted in sharp decline in male female ratio particularly in some North Indian States.

It has been noticed that couples and their families pray, keep fast, visit religious places and *Peers* and *Fakirs* for the birth of a son and every effort is made that a girl child should not come in this world. However despite the best efforts if a girl child is born she is always neglected in the family and not given equal status with a baby boy. Whereas the boy gets best of everything and all possible comforts, the girl child is treated shabbily. The boy gets best of education whereas the girl either remains illiterate or goes to an ordinary school. From the very childhood the girl is told that she is *paraya dhan* and one day she has to leave the house after her marriage so she must learn household chores ignoring her talent and potentials.

In urban areas the position is changing steadily thanks to the spread of education but in the rural areas the position remains the same. Generally, the girl child is married off at a very tender age and forced to motherhood which in majority of cases results in her premature death. It is her destiny to suffer.

Now a days the girls are forced to beg and indulge in crimes like pick pocketing, stealing, etc. by organized criminal gangs and even by their parents. They are also being forced into prostitution as they fetch more money from the prospective clients and such hapless girls are being infected with dreaded AIDS at a very young age.

Ours is a welfare State and it is the sacred duty of the State to protect the girl child from the neglect, illiteracy, atrocities and exploitation and develop her on the equal footing of the boy. Though the task is tough in the male dominated society but the Government at the Centre and States will have to take drastic steps to improve the lot of the girl child. An effort has been made in this Bill to provide for such provisions which will give equal opportunities to the girl child and save her from exploitation in the society by adopting a comprehensive policy for the overall welfare of the girl child.

Hence this Bill.

PREMA CARIAPPA



### FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for free educational facilities to the girl child. Clause 7 provides for the vocational training of the girl child. Clause 8 provides that the appropriate Government shall open educational institutions. The Bill if enacted will involve expenditure from the Consolidated Fund of India. It is estimated to involve a sum of rupees one thousand crores per annum as recurring expenditure.

A sum of rupees five hundred crores is also likely to be involved as non-recurring expenditure.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

**IX****BILL NO. LIX OF 2003**

*A Bill to provide for deterrent punishment for sexual assault or rape on girls or women by any one including relatives, acquaintance in order to prevent such sexual assault and to amend the Indian Penal Code, 1860 and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

Short title,  
extent and  
commence-  
ment.

2003. 1. (1) This Act may be called the Prevention of Sexual Assault on Girls and Women Act,

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “acquaintance” includes friend, neighbour, fiancé, colleague at work place or institute of any kind, servant, fellow traveller, teacher, doctor, etc.;

(b) “appropriate Government” means in the case of State the Government of that State and in other cases the Central Government;

(c) “girl” means a female human being of below eighteen years of age;

(d) “prescribed” means prescribed by rules made under this Act;

(e) “relative” includes father, brother, uncle, maternal uncle, cousin, father-in-law, brother-in-law, step father, step brother, ex-husband, son, nephew and any other kind of the victim;

(f) “sexual assault” include rape, attempt to rape, outraging modesty of the girl or woman by parading naked and similar acts;

(g) “woman” means a female human being of more than eighteen years of age;

(h) terms and phrases used but not defined in this Act and defined in the Indian Penal Code, 1860 or Code of Criminal Procedure, 1973 shall have the meanings respectively assigned to them in those Acts.

45 of 1860.  
2 of 1974.

3. In section 376 of the Indian Penal Code,—

Amendment  
of section  
376 of Act 45  
of 1860.

(a) in sub-section (2), after clause (g) for the words “rigorous imprisonment for a term which shall not be less than ten years but which may be for life and shall also be liable to fine” the word “death” shall be substituted.

(b) the proviso to sub-section (2) shall be omitted;

(c) after sub-section (2) the following sub-sections shall be inserted, namely:—

(3) Notwithstanding anything in sub-section (2) whoever commits sexual assault or rape on a girl when she is under ten years of age shall be punished with death.

4. (1) Notwithstanding anything contained in any criminal or other law for the time being in force, whoever commits incestuous rape on a girl or woman, as the case may be, shall be punished with death.

Punishment  
for incestuous  
rape.

(2) When a victim of incestuous rape conceives from such rape but does not report of such rape due to social fear or otherwise, the legal guardian or custodian of such victim, as the case may be, shall be deemed to have committed incestuous rape on the victim and shall be proceeded accordingly.

5. (1) Whoever being relative of a girl or woman, as the case may be, commits sexual assault or rape other than the incestuous rape on such girl or woman, shall be punished with castration.

Punishment  
for rape by  
other  
relatives and  
acquaintances.

(2) Whoever, being the legal guardian of a girl or woman, takes advantage of his position and induces or seduces such girl or woman, as the case may be, to have sexual intercourse with him, shall be deemed to have committed rape under this Act and shall be punished with castration.

(3) Whoever, being an acquaintance of a girl or woman, as the case may be, commits sexual assault or rape on such girl or woman shall be punished with castration.

6. (1) Whoever commits sexual assault or rape on a girl or woman, as the case may be, for taking revenge against her, her family or her community, shall be punished with castration.

Punishment  
for rape  
committed to  
take revenge.

(2) Where gang rape is committed under sub-section (1) all the rapists shall be proceeded jointly and each of them shall be castrated.

Burden of  
proof.

7. Notwithstanding anything contained in any other law for the time being in force the onus of proving innocence shall be on the accused.

Special Courts  
to try the  
offences.

8. For the purposes of this Act, the appropriate Government shall establish such number of Special Courts consisting of women judges as it may deem necessary and the trial of offences in such courts shall be held in camera.

Reporting of  
rape cases.

9. It shall be the duty of the appropriate Government to encourage through the print and electronic media, the rape victims to come forward and report the offence committed under this Act to the local police or anyone having the knowledge of such rape may report to the local police so that the culprit be punished accordingly.

Rehabilitation  
of victims.

10. The appropriate Government shall rehabilitate the rape victims in such manner as may be prescribed.

Act to have  
overriding  
effect.

11. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to  
make rules.

12. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

## STATEMENT OF OBJECTS AND REASONS

Rape committed on a girl or woman is the worst inhumane crime which traumatises the victim throughout her life. Thus the beastly lust of the rapist spoils the whole life of the victim. The situation for the victim becomes more horrifying when the culprit happens to be her relative, friend, colleague, acquaintance, a near and dear one and trusted one. A recent survey of rape cases has made astonishing revelation when it was found that 88 percent rapes are committed indoors by relatives and acquaintances or colleagues who are otherwise suppose to protect their honour. It was found that fathers-in-law, uncles, cousins, step fathers, ex-husbands and even fathers were involved in rapes. Neighbours, employers, family friends, etc. were also the rapists.

The very sad part of this heinous crime is that in many cases the rapists do not hesitate in committing incestuous rape on their own daughters, sisters or mothers. Even guardians and close relatives commit this crime. Unfortunately, most of such cases go unreported because the victim feels that it will give her a bad name in the society and people will not rely on her easily. Social insecurity also compels the victim to keep mum about her trauma and purveyor of lust go scot-free emboldened to continue committing the offence.

Now the time has come to encourage such rape victims to come forward and reveal the true identity of such purveyors of lust so that deterrent punishment is awarded to them.

Similarly, in many cases rapes and even gang rapes are committed for taking revenge due to enmity or many a time, on communal and caste lines which need to be stopped with a heavy hand.

Recently, some top functionaries of the Government had advocated capital punishment for the rapists but thereafter nothing concrete has been done towards that. Not only capital punishment but castration punishment should also be awarded to the rapists so that they too feel the agony and repent. This may appear to be inhumane but beasts deserve only this kind of punishment which will have deterrent affect on the purveyors of lust.

This Bill seeks to achieve the above objects.

PREMA CARIAPPA

#### FINANCIAL MEMORANDUM

Clause 8 of the Bill provides for the establishment of Special Courts. Clause 10 provides for the rehabilitation of rape victims. The Bill if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two hundred crores may involve as recurring expenditure per annum.

A sum of rupees one hundred crores may also involve as non recurring expenditure.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

**X****BILL NO. LXI OF 2003**

*A Bill to ameliorate the miserable conditions of neglected, infirm, old, physically challenged and destitute widows by providing for rehabilitation and welfare measures to be undertaken by the State for such widows and for matters connected therewith and incidental thereto.*

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Neglected and Destitute Widows (Welfare) Act, 2003.

Short title,  
extent and  
commence-  
ment.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;

(b) "Authority" means the Widows Welfare Authority established under Section 3 of this Act;

(c) "destitute widow" means a widow who has no independent source of livelihood and has nobody to support her;

(d) "infirm widow" means a widow who has become infirm due to old age, physical infirmity, ailment, mental imbalance and who is uncared for;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "widow" means an adult female citizen whose husband had died after her legal marriage

Establishment  
of the  
Widows  
Welfare  
Authority.

3. (1) The Central Government shall, within six months of the commencement of this Act, by notification in the Official Gazette, establish the Widows Welfare Authority for carrying out the purposes of this Act.

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable and to contract and shall by the name sue and be sued.

(3) The headquarters of the Authority shall be at New Delhi.

(4) The Authority shall establish its branches in all the States and Union Territories in such manner as may be prescribed.

Composition  
of the  
Authority.

4. The Authority shall consist of,—

(a) the Union Minister of Social Justice and Empowerment as Chairperson, *ex officio*;

(b) a Vice-Chairperson to be appointed by the Central Government;

(c) three members of Parliament of whom two shall be from the Lok Sabha and one from the Rajya Sabha to be nominated by the respective Presiding officers of each House;

(d) two members representing the Union Ministry of Human Resource Development to be appointed by the Central Government;

(e) not more than three members to be appointed by the Central Government in consultation with the Government of States, by rotation in alphabetical order, to represent the Governments of the States;

(f) two members to be appointed by the Central Government from amongst the Non Governmental Organisations working for the welfare of widows.

Secretariat of  
the Authority.

5. The Authority may appoint such number of officers and employees on such terms and conditions of service as may be necessary for the efficient functioning of the Authority in such manner as may be prescribed.

Functions of  
the Authority.

6. (1) Notwithstanding anything contained in any other law for the time being in force the Authority shall advise the appropriate Government concerning the welfare of widows, promote and provide by such measures as it thinks fit and deems necessary, rehabilitation and welfare of destitute, infirm, neglected and homeless widows of the country.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Authority shall,—

(a) maintain a district-wise register containing the names of such widows who are in need of assistance from the Authority in such form and in such manner as may be prescribed.

(b) undertake a census of the *bhajan* chanting widows particularly in Mathura and Brindavan and other places driven out of their houses by their relatives;



(c) give wide publicity through the electronic and print media about the rehabilitation packages to be given by the State to the needy widows;

(d) perform such other functions not inconsistent with the provisions of this Act, as may be assigned to it by the appropriate Government from time to time.

7. The Authority shall maintain a welfare fund for the widows called the Widows Welfare Fund to which shall be credited all receipts from the Central Government, State Governments and other Institutions, both public and private and the individuals for the welfare of destitute, infirm, neglected and homeless widows for their rehabilitation.

Widows  
Welfare Fund.

8. The Authority shall provide the eligible widows registered under this Act,—

Subsistence  
and other  
allowances.

(a) an amount not exceeding rupees two thousand in case the widow is destitute or infirm or is having one or more dependent children or rupees one thousands two hundred per month in case she has no dependent child, as subsistence allowance;

(b) such other financial assistance as may be prescribed.

9. On the recommendation of the Authority the appropriate Government shall provide the widows registered under this Act,—

Other  
facilities to  
the widows.

(a) residential accommodation free of cost to every widow having no such accommodation;

(b) free education including technical education to her dependent children;

(c) gainful employment;

(d) free vocational education and training wherever necessary;

(e) infrastructure and credit facilities to enable her to start her own vocation;

(f) such other facilities as may be necessary for her rehabilitation welfare, proper development and maintenance of a respected life in the society:

Provided that if a widow covered under this Act either gets gainful employment or remarries, all the facilities provided to her and her dependent children shall be withdrawn from the date she gets employment or remarries, as the case may be.

10. The Central Government shall, from time to time, after due appropriation made by Parliament by law in this behalf, provide adequate funds for the purposes of this Act to the Authority.

Central  
Government  
to provide  
funds.

11. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid, the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to the widows.

Overriding  
effect of the  
Act.

12. The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Power to  
make rules.

## STATEMENT OF OBJECTS AND REASONS

Widowhood for a woman is cursed with miserable life. A widow is maltreated and is regarded a bad omen. She is exploited physically, mentally and socially. There is substantial female population in our country cursed with widowhood and majority of them live a miserable life with no means of support to them and their dependent children. They work like slaves in their own home amongst their relatives. For survival many of them work as housemaids or workers at construction sites, fields, garment and other factories for meagre remuneration. There are also old and infirm widows who are unable to do physical work. Many of them may be mentally ill or mentally deranged. They beg in streets and at the doorsteps of religious places to survive. Many young widows are forced into flesh trade and many join this immoral profession to avoid starvation. We read about the exploitation of *bhajan* chanting widows of Mathura, Brindavan etc. in the media. The widows are also disowned by their in-laws and in many cases even by their parents and their relatives and left to fend for themselves. The position of a widow becomes more vulnerable if she has dependent children to support and driven out of the house with her. The position of widows in rural areas is more precarious.

Since our democracy swears by the principles of a welfare state it is the duty of the State to undertake welfare measures for the hapless widows. Therefore, an independent Authority to deal with the problems of widows has become inevitable.

Hence this Bill.

KRIPAL PARMAR

## FINANCIAL MEMORANDUM

Clause 3 of the bill provides for the establishment of a widows welfare authority, Clause 7 provides for the establishment of Widows Welfare fund, Clause 8 provides for the provisions of allowances and Clause 9 provides for certain facilities to be provided by appropriate Governments for the widows. Clause 10 makes it obligatory for the Central Government to provide funds for the implementation of the provisions of the Bill. The Bill if enacted will involve expenditure from the Consolidated Fund of India to the tune of rupees two hundred fifty crores per annum as recurring expenditure.

A sum of rupees two hundred crores may also be involved as non recurring expenditure.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

## XI

## BILL NO. LXII OF 2003

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2003.

Short title,  
and com-  
mencement.

(2) It shall come into force with immediate effect.

2. After article 48A of the Constitution, the following article shall be inserted, namely:—

Insertion of  
new article  
48AA.

48AA. The State shall endeavour to:

Development  
of agriculture.

(a) ensure overall development of agriculture;

(b) declare agriculture as an industry;

(c) make agriculture export oriented;

(d) make market intervention compulsory when bumper crops are grown;

(e) promote agro industries in a big way;

(f) give agricultural workers all such benefits which are enjoyed by industrial workers;

(g) raise the standard of living of the agricultural workers and their purchasing power;

(h) take care of the small and marginal farmers; and

(i) introduce agriculture as a compulsory subject of study at all levels of schools education.

*Explanation:—* For the purposes of this article the expression “agriculture” includes horticulture, sericulture, poultry, rearing of livestock and such other operations which are agriculture based and agro industries.

## STATEMENT OF OBJECTS AND REASONS

Agriculture is the backbone of our economy as our country is known as "Krishi pradhan desh". More than 70% of the population is dependent on agriculture in one way or the other. Most of industrial products are agriculture based because they depend on agriculture for the raw material. But, unfortunately, this most important and vital sector is still neglected. Very little of the GDP is spent on the agriculture and the poor farmers who made the country self-sufficient in foodgrains are left to fend for themselves. Although the Industry depends on agriculture there is no parity between the two. An industrialist is free to sell his products at a cost of his choice or he is free to fix the price of his product but a farmer cannot fix the price of his produce. Similarly there is no parity between prices of industrial products and agriculture produce. Whereas the margin of profit and rise in industrial production is manifold it is meagre in agricultural sector. As a result the industrialists are getting richer day by day but the purchasing power of farmers is going from bad to worse. Since, the industrial growth is solely dependent on agriculture, agriculture must be admitted as a supporting partner and the return on agriculture must be on the same level as in the case of industry and both should develop side by side. Thus, declaration of agriculture as industry is inevitable.

Similar is the fate of agricultural workers in the country. The industrial workers earn their wages and their wage increase from time to time according to the price index. They can also extract more benefits because they are organised and having bargaining power. But the hapless agricultural workers and small and marginal farmers are not organised and as such remain exploited and poor. It is, therefore, felt that if agriculture is brought at par with industry the agricultural workers too will get a fair deal and get the benefits at par with industrial workers. Hence, it has become necessary to amend the Constitution by inserting a Directive to the State to do the needful.

Hence this Bill.

KRIPAL PARMAR

**XII****BILL NO. LXIV OF 2003**

*A Bill further to amend the Salary, Allowances and Pension of  
Members of Parliament Act, 1954.*

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2003.

(2) It shall come into force at once.

Short title,  
and com-  
mencement.

Amendment  
of section 8A.

2. In section 8A of the Salary, Allowances and Pension of Members of Parliament Act, 1954 (hereinafter referred to as the principal Act) —

30 of 1954.

(a) in sub-section (1) for the words "four years" the words "three years" shall be substituted.

(b) for the sub-section (1A) the following sub-section shall be substituted, namely:—

"(1A) With effect from the commencement of the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2003, there shall be paid for life to the spouse, if any, or dependant of any Member of Parliament serving or retired, a pension at the rate of fifty per cent of the pension which such a member was in receipt of or would have been entitled to if such a member was serving and to which he would have been entitled if he would have retired on the date of his death, from the date following the date of his death:

Provided that minimum pension under this sub-section shall not be less than one thousand and five hundred rupees per mensem."

Amendment  
of section 8B.

3. In section 8B of the principal Act for the words "one lakh rupees" the "words two lakh rupees" shall be substituted.

## STATEMENT OF OBJECTS AND REASONS

There are a number of anomalies and inconsistencies in the matter of payment of pension to former Members of Parliament as also in the matter of payment of pension to the spouse or dependant as laid down in the Salary, Allowances and Pension of Members of Parliament Act, 1954.

Under Section 8A of the Act only a person who has served for a minimum period of four years shall be entitled to pension. It has, however, been laid down in the proviso that in case a person has served the House of the People twice for its duration, shall also be entitled to draw minimum pension. The lives of 9th, 11th and 12th Lok Sabhas were less than two years each. Accordingly a person who has served in two Lok Sabhas may have rendered service for less than four years. Also a member of the Provisional Parliament has been made entitled to draw minimum pension notwithstanding the length of the period for which he was a member of the Provisional Parliament.

The provision of family pension in the case of a serving member only and that too for a limited period of five years, is to say the least arbitrary and against the spirit and concept of family pension as is commonly understood. The family pension should be on the lines on which that is admissible in case of Government employees.

The provision for conveyance advance under section 8B of the Act is limited to one lakh rupees only, which is highly inadequate in view of the present state of prices of cars, etc. The limit should be raised to two lakh rupees.

Hence this Bill.

LALIT SURI

## FINANCIAL MEMORANDUM

This Bill seems to widen the scope of pension to the retired Members of Parliament and also family pension. It also seeks to enhance the advance for purchase of conveyance from one lakh to two lakh rupees.

It would involve recurring expenditure from the Consolidated Fund of India, and quantum of which is difficult to estimate at this stage.



**XIII****BILL NO. XLIX OF 2003**

*A Bill further to amend the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.*

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called Employees' Provident Funds and Miscellaneous Provisions (Amendment) Act, 2003.

Short title  
and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

19 of 1952. 2. In section 1 of the Employees' Provident funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as the principal Act) in sub-section (3),—

Amendment  
of section 1.

(i) in clause (a), for the words "in which twenty or more persons are employed, and" the words, "in which any number of persons are employed, and" shall be substituted.

× (ii) in clause (b), *for* the words "employing twenty or more persons" the words "employing any number of persons" shall be *substituted*.

Omission of  
Section 17.

3. Section 17 of the principal Act shall be omitted.

## STATEMENT OF OBJECTS AND REASONS

The provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 as in force now apply only to those establishments which have engaged twenty or more persons. The employees of such establishments which have lesser number of employees are, therefore, automatically excluded from the ambit of the Act. Due to this provision, a large number of employees working in small establishments are not getting the benefit of EPF Act. To make the matter worse, some establishments are employing persons less than 20 knowingly or even showing engagement of less than 20 persons on record while actually employing far more manpower.

In this era of globalization, modernization and privatization, the number of employees in almost all the establishments is being drastically reduced due to increasing use of modern gadgets and automation. As such more and more employees are being removed from the coverage of the EPF Act. When the Government has come up with so many industry/employer friendly measures after globalization etc., it is their duty to atleast take some steps in favour of the labour class who have been the worst sufferers during the recent changes. It will, therefore, be in the fitness of things if there is no restriction of number in the Act for its proper implementation.

Similarly, section 17 of the Act provides for exemption to certain establishments from operation of the Act. All the employees have the right to get the benefit of provident fund benefits. The operation of this Act in an establishment, guarantees the benefits of Provident Fund to all its employees.

The Bill proposing amendment in sections 1 and 17 of the Act seeks to achieve the aforesaid objectives.

RAMA CHANDRA KHUNTIA

## XIV

## BILL NO. XLVIII OF 2003

*A Bill further to amend the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996.*

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Amendment Act, 2003.

Short title  
and  
commence-  
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

27 of 1996. 2. In sub-section (4) of section 1 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (hereinafter referred to as the principal Act), for the words "ten or more building workers" the words, "five or more building workers" shall be substituted.

Amendment  
of section 1.

Amendment  
of section 2.

3. In section 2 of the principal Act, sub-section (1), clause (e), in sub clause (ii), the words "draws wages exceeding one thousand six hundred rupees per mensem or" shall be omitted.

Amendment  
of section 35.

4. In section 35 of the principal Act, in sub-section (1), for the words "more than fifty female building workers", the words, "more than ten female building workers" shall be substituted.

Amendment  
of section 37.

5. In section 37 of the principal Act, in clause (a), for the words, "not less than two hundred and fifty building workers", the words "not less than fifty building workers" shall be substituted.

Amendment  
of section 38.

6. In section 38 of the principal Act, in sub-section (1), for the words "wherein five hundred or more building workers" the words "wherein fifty or more building workers" shall be substituted.

## STATEMENT OF OBJECTS AND REASONS

The provisions of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, as in force now, apply only to those establishments which have engaged ten or more building workers in any building or other construction work.

Similarly, under section 35 of the Act, creche facilities can be provided if more than fifty female building workers are ordinarily employed in an establishment. Section 37 provide for a canteen in a place wherein not less than two hundred and fifty building workers are ordinarily employed.

In an era of globalization, modernization and privatization, the number of workers in almost all the organizations is being drastically reduced. Especially the multinational companies have adopted this culture. They usually employ as far as possible lesser number of skilled workers in order to escape the statutory provisions.

In building construction industry, the provisions of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act are not being followed in letter and spirit even after 7 years of its enactment. No welfare measures have been taken for Building Construction Workers as the employers circumvent the provisions of the Act by employing lesser number of workers or at least showing lesser number of building construction workers on their rolls by manipulating records.

At a time when capital intensive technologies are being imported it ought not escape our minds that in a population extensive economy like India we have to ensure some means of subsistence for millions of people who cannot generate income through their own sources. If opportunities for wage earnings are dwindling it should at least be ensured that those who are toiling for their livelihood do have some job security from the State.

The Bill, proposing amendments to relevant sections of the Act, seeks to achieve the aforesaid objectives.

RAMA CHANDRA KHUNTIA

YOGENDRA NARAIN,  
*Secretary-General.*